

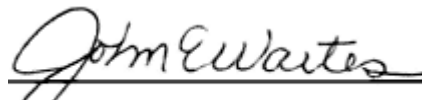
U.S. BANKRUPTCY COURT
District of South Carolina

Case Number: **16-02832-jw**

SETTLEMENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY

The relief set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

FILED BY THE COURT
01/20/2017



US Bankruptcy Judge
District of South Carolina

Entered: 01/20/2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:
Anthony Jewett Smith

C/A No. 16-02832-jw
Chapter 13

**SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY**

Debtor(s).

This matter comes before the Court on the motion for relief from the automatic stay filed by Ocwen Loan Servicing, LLC, as servicer for HSBC Bank USA, N.A., as Trustee on behalf of ACE Securities Corp. Home Equity Loan Trust and for the registered holders of ACE Securities Corp. Home Equity Loan Trust, Series 2006-ASAP5, Asset Backed Pass-Through Certificates ("Movant"). The chapter 13 trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

304 Crest Haven Drive, Columbia, SC 29229

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$0.00.

As of January 9, 2017, Debtor has accrued a post petition arrearage in the amount of \$6,418.81. The post petition arrearage consists of:

- Payments for the month(s) of August 2016 - January 2017 in the amount of \$918.32 per month.
- Attorney's fees and costs in the amount of \$1,031.00.
- Other costs in the amount of \$122.11 as described: less suspense.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning February 1, 2017, and continuing thereafter in accordance with the terms of the loan agreement and the chapter 13 plan.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$6,418.81 as follows:

- Pay initial payment of \$1,380.00 by January 27, 2017.
- Pay \$419.90 per month beginning February 1, 2017 for 11 months.
- Pay final payment of \$419.91 by January 1, 2018.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

Ocwen Loans Servicing

Attn

Cashiering Dept., 1661 Worthington Rd, Suite 100

West Palm Beach, FL 33409

In the event of a default under the terms of this Order, relief from stay may be provided without further hearing upon the filing of an affidavit of default by Movant and the entry of the proposed order by the Court. Movant may then proceed with its state court remedies against the property, including sending any required notice to Debtor(s). **This *ex parte* relief provision shall expire and no longer be effective 12 months from the expiration of the cure period set forth above.**

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor(s)' default under the terms of this settlement order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay is not applicable to any order granting relief for default on this Settlement Order.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/Travis E. Menk
Attorney for Movant
District Court I.D. 10686

/s/ Jason T. Moss
Attorney for Debtor
District Court I.D. 7240

CERTIFICATION:

Debtor's counsel represents that prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor(s) or the party obligated to pay.

/s/ Jason T. Moss
Attorney for Debtor
District Court I.D. 7240